IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 29950 of 2006(M)

PETITIONER:

FATHIMA ENTERPRISES,
REPRESENTED BY ITS PROPRIETOR, MOHAMMED KALEEL,
EMERALD APARTMENTS (GROUND FLOOR),
NEW NANDAVANAM ROAD, PALAYAM, THIRUVANANTHAPURAM.

BY ADV. SRI.AJITH KRISHNAN

RESPONDENTS:

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1. THIRUVANANTHAPURAM DEVELOPMENT AUTHORITY
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
THIRUVANANTHAPURAM DEVELOPMENT AUTHORITY,
THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO LOCAL SELF
GOVERNMENT DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

R1&2 BY ADV. SRI.K.A.JALEEL, SC., TRIDA
R3 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.29950 of 2006

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Dated this the 9th day of January, 2007.

JUDGMENT

The prayer in the W.P. is for direction to the first respondent to release payments for the construction done by the petitioner. Standing Counsel for the first respondent submitted that petitioner has not completed the work in full in as much as fire fighting instruments installed have not been tested and commissioned. Counsel for the petitioner submitted that petitioner has installed the system and got clearance from the Electrical Inspectorate and Fire Service Department. Of course it is for the first respondent to arrange for testing and to satisfy themselves that the installation is in accordance with the contract. The first respondent is therefore directed to conduct inspection and to arrange for testing in co-ordination with petitioner and if satisfied, approve the bill for payment. Final decision will be communicated to the petitioner within one month from the date of production of copy of this judgment by the petitioner.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms